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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,806	08/18/2003	Bill J. Pope	05261.058/6069.2 P 4773	
7590 08/18/2006			EXAMINER	
Daniel P. McCarthy, Esq.			FOOTLAND, LENARD A	
PARSONS BEHLE & LATIMER Suite 1800			ART UNIT	PAPER NUMBER
201 South Main Street			3682	
Salt Lake City, UT 84111			DATE MAILED: 08/18/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/643,806	POPE ET AL.		
		Examiner	Art Unit		
		Lenard A. Footland	3682		
	The MAILING DATE of this communication app				
Period fo	or Reply				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	ely filed the mailing date of this communication. (35 U.S.C. § 133).		
Status					
1)⊠	Responsive to communication(s) filed on 24 Ju	<u>ıly 2006</u> .			
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.				
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	ion of Claims				
5)□ 6)⊠ 7)□ 8)□	Claim(s) 1-57 is/are pending in the application.  4a) Of the above claim(s) 1-3,5-18,20,21,25-27  Claim(s) is/are allowed.  Claim(s) 4,19,22-24,28 and 30-38 is/are rejected to.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or appers	<u>,29 and 39-57</u> is/are withdrawn fr ed.	om consideration.		
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority L	ınder 35 U.S.C. § 119				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
	e of References Cited (PTO-892)	4)  Interview Summary			
3) 🛛 Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date 3-22-04.	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te atent Application (PTO-152)		

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Applicant's election without traverse of the combination invention and the species of species of Fig('s). 2a-1 and 2a-2 is acknowledged. Claim(s) 1-3, 5-18, 20-21, 25-27, 29, and 39-57 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to non-elected species, not all claims depending upon or otherwise including the limitations of an allowed generic claim. It should be noted that these claims include claims 10 and 17-18, held nonelected because they depend on nonelected species claims. Also, on 8-10-06, noting that the examiner had in his requirement not listed a number of claims as subcombination claims that he should have, the examiner phoned the attorney to see if he wanted to reconsider his combination election, but the attorney indicated he would continue with it despite the additional claims that would be withdrawn.

Applicant is reminded that if the amendment of any claims results in a change of the species they read upon, that is required to be indicated. Failure to do so will be construed as an indication that the readability has not changed. In addition, if any new claims are added, it is required that the applicant indicate which of them read on the elected species. Failure to do so will result in a holding of nonresponsiveness.

Claim(s) 32, 33-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The examiner finds that they are unclear and confusing, for instance with regard to the elected species, for the following exemplary reasons.

Claim 22's continuous phase polycrystalline diamond. The features of claims 32, 33, 34-38.

These features do not refer to the elected species. This rejection is made to provide applicant the opportunity to appeal this determination of nonreadability.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim(s) 4, 19, 23-24, 28, 30, 31 (and claims 32, 33, 34-38 to the extent reading on the elected species) are rejected under 35 U.S.C. § 102(e), as being anticipated by Fridez et al. ("Fridez") or Hall et al. ("Hall")

Fridez discloses all of the claimed elements including, for example, the diamond coating near 3 and substrate near 2. All rolling bearings slide to a degree.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lenard A. Footland, whose telephone number is (571) 272-7103.

Fax: 703-872-9326

Lenard A. Footland

Smal A Forthann

Primary Examiner

Technology Center 3600

Art Unit 3682

laf

August 16, 2006